

On June 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

(It is not the view of this department that both distilled vinegar and dilute acetic acid had been mixed and packed with cane sugar vinegar, the product in question.)

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3066. Adulteration of confectionery. U. S. v. 37 Packages of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5133. S. No. 1758.)**

On April 11, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 packages of confectionery remaining unsold in the original unbroken packages and in possession of The Alfred Vogeler Drug Co., Cincinnati, Ohio, alleging that the product had been shipped from the State of Maryland into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. Eighteen of the packages were labeled: "Compressed lozenges peppermint \* \* \* Guaranty No. 80 Sharpe & Dohme, Baltimore." Nineteen of the packages were labeled: "Compressed lozenges wintergreen \* \* \* Guaranty No. 80 Sharp & Dohme, Baltimore."

Adulteration of the product was alleged in the libel for the reason that it contained talc, that is to say, the confectionery in the packages labeled "peppermint" contained 8.63 per cent of talc, and the confectionery in said packages labeled "wintergreen" contained 8.33 per cent of talc.

On May 15, 1913, no claimant having appeared for the property, it was ordered by the court that the libel be taken pro confesso and that the case might be presented for final judgment at any time subsequent to 30 days from entry thereof. On June 26, 1913, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3067. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels Apple Cider Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5134. S. No. 1759.)**

On April 9, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels containing a product purporting to be apple cider vinegar, remaining unsold in the original packages and in possession of Boniface, Weber & Allen, Muncie, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Reduced to not less than 4 per cent acidity. Imperial Brand Fermented Apple Cider Vinegar. Manufactured by the Leroux Vinegar Co., Toledo, Ohio."

Adulteration of the product was alleged in the libel for the reason that the barrels contained a product purporting to be apple cider vinegar for which distilled vinegar and dilute acetic acid, and a substance high in reducing sugar with added mineral matter and added glycerin, had been mixed and packed with said article purporting to be apple cider vinegar and substituted for apple cider vinegar so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the brands and labels on the barrels as to the ingredients and substance contained therein were false and misleading, in that, in truth and in fact, the

product purporting to be apple cider vinegar was a mixture containing distilled vinegar and dilute acetic acid and a substance high in reducing sugar and added mineral matter and added glycerin, and the statements contained on said brands and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On September 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal after the destruction and obliteration of the brands and labels on the barrels and the substitution therefor of labeling to show the true character of the product.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3068. Adulteration and misbranding of wheat. U. S. v. 500 Sacks of Wheat. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5137. S. No. 1757.)**

On April 11, 1913, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks of wheat remaining unsold in the original unbroken packages and in possession of William G. Spence, trading as the Spence Brokerage Co., Tampa, Fla., alleging that the product had been shipped by J. M. Frisch & Co., Baltimore, Md., and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding, in violation of the Food and Drugs Act. The product was labeled: "100 pounds F. wheat."

Adulteration of the product was alleged in the libel for the reason that the sacks did not contain 100 pounds of wheat, but contained a mixture of wheat and rye substituted in part for wheat and which had been so mixed and packed with the wheat as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that none of the sacks contained 100 pounds of wheat, that they purported to contain, but contained a mixture of wheat and rye which was offered for sale under the distinctive name of another article, to wit, wheat, and the labeling of said sacks was false and misleading.

On April 30, 1913, J. M. Frisch & Co., claimants, having filed their answer admitting the allegations of the libel and claiming that the misbranding and adulteration were unintentional and through ignorance, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. It was provided, however, that the product should be delivered to the claimants upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,000, in conformity with section 10 of the act, and upon relabeling the product, accurately and correctly describing the same, before May 15, 1913.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3069. Adulteration of cream. U. S. v. Lynchburg Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 5138. I. S. No. 36241-e.)**

On August 28, 1913, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lynchburg Creamery Co. (Inc.), a corporation, Lynchburg, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on August 24, 1912, from the State of Virginia into the State of West Virginia, of a quantity of an article purporting to be cream which was adulterated. The product was labeled: "From Lynchburg Creamery Co., Inc., Lynchburg, Va. For Vienna Ice Cream Co., Bluefield, W. Va. Per cent 20."